

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ROY LEE ROGERS,

Petitioner,

v.

Case No. 11-C-137

JEFFREY PUGH,

Respondent.

ORDER

Roy Lee Rogers filed a motion seeking reconsideration of a portion of my Rule 4 order. I will grant the motion. The Rule 4 order dismissed petitioner's Fourth Amendment claim. Petitioner concedes that Fourth Amendment claims have no place in a habeas action, but he argues that he was also attempting to assert a claim of ineffective assistance of counsel on that claim as well, which would be fair game. To the extent the petition asserts a claim based on ineffective assistance of counsel relating to the Fourth Amendment violation alleged therein, that claim will be allowed to proceed. The motion for reconsideration is therefore **GRANTED**. Respondent shall address the ineffective assistance of counsel claim in his response to the petition.

SO ORDERED this 11th day of June, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge